

## BRANEDIS A SURPRISE

A Doubt as to Possibility of  
Favorable Action on  
His Appointment

## FIRST JEW NAMED TO SUPREME BENCH

Known as One of the Ablest  
Lawyers in United  
States

Washington, Jan. 29.—The nomination yesterday of Louis D. Brandeis of Boston for justice of the supreme court came like a bolt out of the blue. While Mr. Brandeis' name has been mentioned in private conversation as a remote possibility, it was a distinct surprise to Washington to learn that the president has asked him to take a place on the bench. At the moment it is difficult to predict how the Senate will view this appointment, for Mr. Brandeis has been so active in so many important social-political controversies that there is certain to be opposition.

Mr. Brandeis has been in Washington a great deal during the last few years. He had appeared before numerous congressional committees on legislation relating to the trusts, railroads, labor and other matters and has in this capacity made himself persona non grata to the United Shoe Machinery company, the New Haven railroad and, incidentally, the steel trust, of whose manner of conducting its business he has been a sharp critic. He has also argued cases before the court of which President Wilson would make him a member, notable among these being the Oregon eight-hour day for women case. A year ago he was here almost continually, being regularly employed by the interstate commerce commission as special counsel in the 5 per cent rate case. In the campaign of 1912 he actively supported Woodrow Wilson.

In Washington and elsewhere Mr. Brandeis has been regarded as a radical. He has allied himself with various radical movements and while to a certain degree it may be true that he has the conservatism of his profession, nevertheless his nomination will not be reassuring to many well-informed conservatives, nor, it should be added, will it please all the radicals.

The view is expressed here that in nominating Mr. Brandeis for the supreme court, President Wilson realizes that his confirmation will be a difficult matter, perhaps an impossible one, but that, by nominating him, he may draw together some of the "progressives" in the Democratic ranks and elsewhere who have been disaffected because of the supposed conservatism of the administration. The rejection of Mr. Brandeis by the Senate could by these elements be ascribed to the Senate alone, and the president would therefore be free to nominate a candidate who might, perhaps, meet with more widespread approval.

Mr. Brandeis was about the offices of the supreme court yesterday apparently in complete unconsciousness of the high honor the president was about to confer upon him. He had been in Washington for several days awaiting opportunity to argue the new Oregon law establishing a 10-hour day for men, which has been pronounced unconstitutional by the supreme court of that state. Mr. Brandeis also filed with the court a petition for a writ of certiorari in the case of William F. Felt's Sons Co. of Boston involving certain legal questions as to the extent of necessary proof by lessors as to the

## SEVERE RHEUMATIC PAINS DISAPPEAR

Rheumatism depends on an acid which flows in the blood, affecting the muscles and joints, producing inflammation, stiffness and pain. This acid gets into the blood through some defect in the digestive processes, and remains there, because the liver, kidneys and skin are too torpid to carry it off.

Hood's Sarsaparilla, the old-time blood tonic, is very successful in the treatment of rheumatism. It acts directly, with purifying effect, on the blood, and through the blood on the liver, kidneys and skin, which it stimulates, and at the same time it improves the digestion.

Get Hood's Sarsaparilla to-day. Sold by all druggists.—Adv.

liability of guarantors for leases in cases of insolvency. This case, which no doubt is familiar in Massachusetts, is an outgrowth of transactions prior to the Butler failure, and while the material issues interest the law points involved are regarded as important in commercial circles.

Friends of Mr. Brandeis are speculating whether he will accept a position on the supreme bench. They declare that as late as Wednesday afternoon, the day President Wilson went to New York, he not only had no idea that he would be considered for the place of Justice Lamar, but pooh-poohed it in about so many words. Mr. Brandeis, his friends say, looked with disfavor upon a cabinet position three years ago, believing that as a member of the president's family his activities would be circumscribed and he could render much less service to the administration than if he remained a free lance. A position on the bench he regarded then as still more hampering, especially as one of his radical views will be in a minority in the court. These certainly were the private views of Mr. Brandeis as expressed a very short time ago, although under the circumstances, it would be hardly fair to Mr. Brandeis to set them forth as representing his personal view of his own nomination.

## 128,138 KILLED, 353,283 HURT, BRITAIN'S LOSS

Heaviest Losses of War Suffered in  
France—Number of Soldiers  
Missing 58,046.

London, Jan. 29.—British casualties to Jan. 9, 1916, total 539,407, Premier Asquith stated in a written reply to queries published yesterday.

These losses are divided as follows:  
Killed, 128,138; wounded, 353,283; missing, 58,046.

The division by field of operations is as follows:

France: Killed, 87,268; wounded 259,207; missing, 44,035.

Dardanelles: Killed, 28,200; wounded, 78,095; missing, 11,254.

Elsewhere: Killed, 12,670; wounded, 15,981; missing, 2,757.

The winter's inactivity on the fighting lines is reflected in the comparatively light losses of the British during the last few weeks. The previous official British report, made by Premier Asquith on Dec. 24, gave casualties up to Dec. 9 at 528,227, showing a loss in the intervening month of 21,240, or 685 daily. During the heaviest fighting British casualties have run far in excess of this average. They amounted to 60,000 in the battle of Loos alone, in a period of two weeks last fall. The monthly average from the beginning of the war is about 32,000.

The British losses in the month preceding the period covered in yesterday's report were still smaller. The total from Nov. 9 to Dec. 9 was 17,997.

To Be Collector at Portland, Me.

Washington, Jan. 29.—President Wilson yesterday sent the name of Charles M. Sleeper of South Berwick, Me., to the Senate to be collector at Portland, Me.

## "DISAVOWAL OR BREAK"

Is Ambassador Bernstorff's  
Warning to Berlin in  
Lusitania Matter

## U-BOAT CONTROVERSY IS AGAIN ACUTE

President's Speech Thursday  
Night Warning to Country  
of Danger Ahead

Washington, Jan. 29.—It was learned on good authority here yesterday that Count Von Bernstorff, the German ambassador, has informed his government that failure to meet substantially the demand of the United States regarding a disavowal of the sinking of the Lusitania will provoke a diplomatic break. In other words, the German ambassador is understood to have indicated in his latest communication to Berlin that the next step likely to be taken by the United States following a quibbling response will involve an ultimatum as to the continuance of friendly relations.

The only reason the present situation regarding the Lusitania is considered here as strained rather than vitally critical is because the government expects that Germany will yield.

The state department has been informed that the German response can be expected within nine days from last Wednesday, when Count Von Bernstorff's communication went to Berlin, the Berlin officials desiring from Saturday until Tuesday to deliberate.

The ambassador is said to be quite convinced that the United States will not have to wait as many as 12 days for a satisfactory response. By the end of next week, if the ambassador's optimism is borne out, a satisfactory reply will be in the hands of the secretary of state.

Language used by President Wilson in his address before the Railway Business association in New York Thursday night was pointed out yesterday as a plain indication of the extent to which the president and the secretary of state have allowed the continuance of relations with Germany to rest with Berlin. This language was interpreted in some quarters as a warning to Count Von Bernstorff.

Officials here did not hesitate yesterday to correct that view by explaining that the president's language was calculated to have no such effect. What the president meant to do by that passage in his speech, it is said here, was to inform the country that the continued friendly relations with Germany no longer rests with this government.

The president had no occasion to issue a warning to the ambassador by a speech in New York. The situation was made clear to Count Von Bernstorff before he reported this government's rejection of the last tentative offer.

This is the section of the president's speech which is here regarded as an announcement that a break in diplomatic relations may follow the next halting steps of Berlin in disavowing the Lusitania act.

"What I am trying to impress upon you now is that the circumstances of the world to-day are not what they were yesterday or were in any of our yesterday's; and that it is not certain what they will be to-morrow. I cannot tell you what the international relations of this country will be to-morrow; and I use the word literally. I would not dare keep silent and let the country suppose that to-morrow was certain to be as bright as to-day."

"America will never be the aggressor. America will always seek to the last point to avoid the things which disturb the peace of the world. But America does not control the circumstances of the world, and we must be sure that we are faithful servants of those things which we love and are ready to defend them against every contingency that may affect or impair them."

Much loose talk about a break in diplomatic relations has not recently been current, and there is a distinct inclination on the part of the state department to keep the phrase from again becoming popular.

63 BELOW IN MONTANA.

Ten Towns Wire for Relief—Coal Famine Menaces.

Helena, Mont., Jan. 29.—Seven persons are known to have perished in Montana in the recent cold spell, the worst ever experienced in the state, according to reports received here yesterday.

Temperatures ranging down to 63 degrees below zero were reported. Ten towns in northern Sheridan county telegraphed to the state railroad commission for relief. Some towns are threatened with coal famine.

Old Noah.

When old Noah began building his boat, the landlubbers, the frog pond croakers, called him crazy. They proclaimed that the ship carpenter was off his base. These harpers and critics said old Noah was a bug.

They said that the very fact he was building an ark would bring on a flood. Preparation would start something.

Some time after that, and while Capt. Noah sat on the bow of his boat, his self-respect seemed to increase, and he often wondered just what had become of his critics.—Silent Partner.

The soldier was telling the workman about a battle that he had once been in that lasted from 6 o'clock in the morning until 7 o'clock at night. His description was most graphic, and he became very enthusiastic. "There's one thing I can't understand about the story," said the workman slowly, when he had finished. "You say that the battle began at 6 o'clock in the morning and lasted until 7 o'clock at night?"

"Yes, that's so," was the reply. "Well," retorted the workman, "the unions wouldn't stand for such hours nowadays."—Argonaut.

"What's an optimist?" "A man who tells other people not to worry when things are coming his way."—Baltimore American.



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## Today is Overcoat Day!

Wonder if you have overlooked the fact that to-day the big overcoat sale begins in this store—all our stock of

**\$10 to \$20 Overcoats, now \$7.98**

including a wide variety of styles in both velvet and convertible collar models.

Come in, look around, and see if you ever saw a better place to put \$7.98. To say that this is a bargain event, is putting it too tamely. See for yourself.

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It will be many a day before you can find a good overcoat for the boy for so little money. Remember the early bird.

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### COTTON GOODS TRADE GONE.

Japanese Have Completely Captured American Trade in China.

Washington, Jan. 29.—Japanese manufacturers have captured the American cotton goods trade in China so completely, says a department of commerce report, issued yesterday that all hope of renewed American business lies in an entire change of the class of goods manufactured for Oriental export.

Ten years, the report declares, has been American cotton goods sales dwindle in China because of the war, the report says. Now American mills, it says, hopelessly distanced by the Japanese either must extend their trade by selling another class of goods at the expense of England or dismiss hopes for further Chinese business.

The report was prepared by Ralph M. Odell, a textile expert of the bureau of foreign and domestic commerce, after six months' investigation in China.

Increasing cost of production in England because of the war, the report says, has created an opportunity for American mills to introduce into China lines of cotton goods there heretofore have not sold. Sheetings and drills, formerly sold, must be left to the Japanese and to new Chinese mills built and building. China for many years has been the largest market for cotton goods in the world.

Tables contained in the report show that from 1902 to 1913, eleven years, the Japanese cotton goods trade in China increased nearly nine times, while the American trade dropped to one-third what it had been. Reasons for this as given in the report are better selling and distributing methods introduced by the Japanese and lower prices for Japanese goods. American goods, dependent on quality alone for their sale and with no one to push them, were sold in smaller quantities. British trade has remained stationary.

The Japanese begin, the report says, by imitating the American product in a cheaper material. This allowed the Chinese dealer a wider margin of profits and gave the consumer a fabric that compared well in appearance with the American cloth.

In Manchuria, the report says, the Japanese enjoyed special advantages in reduced rail rates and immunity from certain Chinese taxes.

To Prevent the Grip.

When you feel a cold coming on, stop it by taking LAXATIVE BROMO QUININE and thus keep the system in condition to prevent the grip. There is only one "BROMO QUININE." E. W. GROVES signature on box. 25c.—Adv.

### MANN AGAIN URGES

NATION TO PREPARE

Republican Leader Suggests That Democrats Hear President Wilson's Speeches for Defense.

Washington, Jan. 29.—Representative James R. Mann of Illinois, Republican leader of the House, took occasion again yesterday to urge preparedness and to reply to the anti-preparedness remarks of Representative Dies of Texas, who had just spoken. Mr. Mann said that it made no difference to him whether he had changed his mind since last year, because "we must determine the facts as they stand, since we are in a position where some determination must be made. If we are in a position which calls upon us to prepare against invasion, then we must prepare."

Mr. Mann declared that when the war first broke out, he thought that it would not last long, and that he hoped and believed that it would soon be over. To-day, however, there is no prospect of peace, he said, and that being the case, there is always an advantage to one side or the other to involve the other countries in the struggle. He declared that he had warned the United States to be strictly neutral last year, as there would be many temptations for taking sides.

The events have proved, according to Mr. Mann, that there are still those who will never believe a fact until it is history, and against such people Mr. Mann urged caution.

He hit the Democrats who had opposed preparedness and said that since their own president was going about the country presenting his side of the case, the Democratic members should hear it before they attack him. The wise American, he said, will view the situation as it is, and will meet it and place the United States in a position where it will be protected from an attack by any foreign foe.

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100 Years Old  
An Effective Laxative  
Purely Vegetable  
**Constipation,**  
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OR at Night  
Small Relief  
Chocolate-Coated or Plain

### IN CORPORATION'S NAME.

That \$100,000,000 New Haven Suit May Now Be Prosecuted.

Boston, Jan. 29.—The supreme court yesterday virtually empowered minority stockholders of the New York, New Haven & Hartford railroad to proceed

in the name of the corporation in their suit to recover from former directors of the road \$102,000,000 alleged to have been lost by improper purchases. Judge Braley allowed the respondents 30 days in which to demur, plead or answer. This privilege, he ruled, applied only to those directors who had submitted themselves to the jurisdiction of this state.

### A NATURAL PLANT FOOD

Parmeter & Polsey Animal Fertilizers do not make one quick crop at the expense of your land—they give lasting and effective results. Each year, soil fertilized with these natural plant foods becomes richer and more productive. That's because organic matter is what your soil needs, and Parmeter & Polsey Animal Fertilizers are made of BONE, BLOOD and MEAT—the richest and most productive of all plant foods.

**BONE, BLOOD and MEAT** is nature's best plant food concentrated in its most powerful form. It is most easily assimilated, restoring fertility to the soil and keeping it always in the best condition. In 1916, plant-food value will be increased at no increase in cost. Due to the scarcity of potash, reliable manufacturers either had to charge prohibitive prices or make a good fertilizer without potash. The results of our 1915 experiments are clearly brought out in these letters:

My experience in 1915 shows that your Animal Fertilizer, acting in ammonia and phosphoric acid, will largely, if not wholly, offset the lack of potash for a time at least.  
ELISHA M. MURDOCK, South Middleboro, Mass.

There's a dealer near you, see him. Send for booklet.

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More cold weather is coming. Get ready by having some Coal and Wood on hand.

Best Block Wood, per cord .....\$3.00  
Clean, bright, Second-Growth Wood, per cord.. 2.50  
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We have the very best Lehigh and Free-Burning Coals in all sizes.

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## United States Tread 'Chain' Tires

### Effective—Efficient—

We have produced in the United States 'Chain' Tread a tire that we sincerely believe to be the most effective, efficient, high-grade anti-skid casing in the world at its price.

The 'Chain' Tread is so scientifically, so conscientiously made that in it there is absolutely no danger of a loose tread, or of disintegration under the tread.

It is strong, durable, reliable, good to look at. In every respect it is far 'mightier than the road.'

To you who want a tire that is effective, efficient in the highest sense—a tire that sells at prices which make it one of the most unusual values now offered to motorists—a tire which has continued to increase in sales by leaps and bounds—we most heartily recommend the United States 'Chain' Tread Tire.

## United States Tire Company

'Chain' 'Usco' 'Nobby' 'Royal Cord' 'Plain'

"Individualized Tires"

